IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 5837 OF 2006.

Ravindra S. Nagvekar ... Petitioner.
V/s.
Vijay D. Dhanu & ors. .. Respondents.

Shri Railkar for S.W. Kulkarni for the petitioner.

Shri S.C. Naidu i/b M/s C.R. Naidu & Co. for the respondents.

CORAM : V.C.DAGA, J.

DATED : 18.9.2006.

P.C. :

. Heard learned Counsel for the parties.

Perused petition.

2. This petition is directed against the order dated 1st July 2006 passed by the Bench of the Small Causes Court, Bombay, in Appeal No. 176 of 2001, whereby judgment of the trial Court dated 19.12.2000 passed in Misc. Notice No. 216 of 2000 in RAE Suit No. 1216 of 1995 came to be confirmed.

3. Having heard the parties, and going through the facts and circumstances of the case and the impugned order and the challenges set up in the petition, it is difficult to hold that the impugned order is a perverse or unsustainable order. No perversity could be demonstrated by the petitioner. The view taken by the Courts is a reasonble and

possible view. Petition is, therefore, liable to be dismissed in limine.

4. At this stage, learned Counsel for the petitioner has given an undertaking dated 2nd September 2006, to this Court, (undertaking) to vacate and hand over possession of the suit premises on or before 30th November, 2006 and also has incorporated usual terms and conditions in the said undertaking. The same is taken on record and marked X for identification. In view of the said undertaking petitioner is granted time till 30th November 2006 to vacate the suit premises, subject to payment of monthly compensation equivalent to the amount of rent Needless to mention that it would be open for the decree holder to claim mesne profits when same is determined in accordance with law. All rival contentions in that behalf are kept open. Petition accordingly stands dismissed in limine with no order as to costs.

(V.C.DAGA,J.)